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MINUTES

San Luis Obispo County Planning Commission

Bob Roos
Bruce Gibson
Penny Rappa
Eugene Mehlschau
Sarah Christie

MEETING DATE: THURSDAY, SEPTEMBER 8, 2005

MEETING LOCATION AND SCHEDULE

Regular Planning Commission meetings are held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, on the second and fourth Thursdays of each month. Regular Adjourned Meetings are held when deemed necessary. The Regular Meeting schedule is as follows:

Meeting Begins:		8:45 a.m.
Morning Recess:	10:00 -	10:15 a.m.
Noon Recess:	12:00 -	1:30 p.m.
Afternoon Recess:	3:00 -	3:15 p.m.

ALL HEARINGS ARE ADVERTISED FOR 8:45 A.M. HOWEVER, HEARINGS GENERALLY PROCEED IN THE ORDER LISTED. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

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MINUTES OF THE MEETING OF THE
SAN LUIS OBISPO COUNTY PLANNING COMMISSION
September 8, 2005

PRESENT: Commissioners Gene Mehlschau, Sarah Christie, Penny Rappa, Bruce Gibson,
Chairman Bob Roos

ABSENT: None

STAFF: John Euphrat, staff
Warren Hoag, staff
Matt Janssen, staff
John Hofschroer, staff
Dana Lilly, staff
Kami Griffin, staff
Stephanie Fuhs, staff
Julie Eliason, staff
Martha Neder, staff
Kerry Brown, staff
Brian Pedrotti, staff
Chuck Stevenson, staff
John Nall, staff
John McKenzie, staff

OTHERS: Jim Orton, County Counsel
Tim McNulty, County Counsel
Mikel Goodwin, Public Works

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The meeting is called to order by Chairman Bob Roos.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of September 8, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
Meeting called to order	
Roll Call	All Commissioners present.
Public Comment	Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Sheryl Flores, Peoples Self Help Housing	Discusses affordable housing and mission of Peoples' and Habitat for Humanity. Gives short background. Discusses clientele and their needs and how these relate to the North Coat area plan. Cites some projects completed by them and some in process. Responds to question from Commission regarding whether the weak link is the cost of land zoned for their work. Receives advice that the Commission welcomes detailed information.
Mary Von Achen, representing Habitat for Humanity	Discusses background and mission. Discusses homes built to date and those being planned. Discusses clientele demographics and federal guidelines. States there is a lack of property to build on. It is extremely expensive. They rely on CDBG (Community Development Block Grant) funds. Grants supply most of their funding. Building fees are high. Answers question from Commission as to whether the fee waiver program is working for them, and discusses Habitat's questions regarding the assessed value.
Commissioners and County Counsel	Discuss fees associated with building homes.
Planning Staff Updates	
Warren Hoag, staff	States a date is desired for the Planning Commission retreat. States first subcommittee meeting on procedure review will be next Wednesday, 9/14/05.
Dana Lilley, staff	Housing & Economic Development section of Planning. Discusses public facilities impact fees program and ordinance generally and as it relates to affordable housing. States payment of the fee does not allow the developer to exclude affordable units, but is meant only to cover the shortfall created by the fee waiver. Discusses the county inclusionary housing program. Discusses the long-term affordability requirement and how value is affected over time. Answers questions from Commission with advice from County Counsel.
Consent Agenda	
Motion	<p>Thereafter, motion by Commissioner Rappa, seconded by Commissioner Christie, carries, with Commissioner Gibson abstaining, to approve the Consent Agenda, as follows:</p> <ul style="list-style-type: none"> a. Planning Commission Minutes of June 23, 2005 b. Planning Commission Minutes of July 14, 2005
1. Kelley, County File No. SUB2004-00215 / Tract 2663	This being the time set for hearing to consider a request by RICHARD KELLEY/TEC ENGINEERING for a Vesting Tentative Tract Map (Tract 2663) to subdivide an existing one acre parcel into five parcels ranging in size from 6,414 to 14,253 square feet each for the purpose of sale and/or development. The project

	includes off-site road improvements to Theodora Street and Buckhorn Lane in the Residential land use category. The project is located on the east side of Buckhorn Lane (220 Buckhorn Lane), in the community of Nipomo, in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures are proposed to address Air Quality, Geology and Soils, Public Services and Utilities, Recreation and Water. County File Number: SUB 2004-00215 / Tract 2663. APN: 092-130-040. Supervisorial District: 4. Date Accepted: February 2, 2005.
Stephanie Fuhs, staff	Gives the staff report. Suggests change to Condition 22.e. and 23.d. Recommends approval.
Commissioners and staff	Discuss the suggested change, maintenance required by the CC&R's, habitat.
Bill Dyer, representing developer	States they agree with the conditions, the changes are acceptable. He can answer questions. Requests approval.
James Lowrie, Oceano	States he recommends disapproval. Development in the county is rampant, and this is an example. States "the place is going to get trashed."
Ruth Lester, Nipomo	Lives near project. Does not object to development, but since she and her family have lived there, their view has been decreased by a third. States it affects the value of the home, among other things.
Bill Dyer, Tech Engineering	Describes topography of the site.
Kami Griffin, staff	Discusses public viewsheds and private viewsheds and protection of same.
Commissioners and staff	Discuss vernal pools, impacts to biological resources such as vernal pool fairy shrimp.
Julie Eliason, staff	Responds to Commission questions regarding assessment of habitat.
Kami Griffin, staff	Displays a map of vernal pool and habitat regions, providing explanation.
MOTION	Motion by Christie, second by Gibson, to Amend Negative Declaration to remove statement on 1-18 that reads "the project site is located within an area that has been designated as critical habitat for the fairy shrimp and that the site is in an area that is determined to be a vernal pool region." Chairman states there is consensus.
MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Rappa, carries, with Commissioner Christie voting no, to adopt the Negative Declaration, with the amendment discussed above, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION NO. 2005-043 granting a Vesting Tentative Tract Map to RICHARD KELLEY for the above referenced item, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B, with the following changes: Condition 22.g., following "measures for turf areas" in line 2, delete "and" and insert "to be maintained for the life of the CC&R's"; and in Condition 23.e., following "measures for turf areas" in line 2, delete "and" and insert "to be maintained for the life of the CC&R's" and make subparagraphs 23.e.ii and 23.e.iii into a single subparagraph marked 23.e.ii, adopted.
2. Benson, County File No. SUB2004-00211 / TRACT 2643	This being the time set for hearing to consider a request by CATHLINE BENSON for a Vesting Tentative Tract Map to subdivide an existing 1.2 acre parcel into five parcels of 10,000 square feet each for the purpose of sale and/or development.

	The project includes off-site road improvements to Blume and Grande Streets. The project will result in the disturbance of the entire 1.2 acre parcel. The proposed project is within the Residential Single Family land use category and is located on the southwestern corner of Grande and Blume Streets in the community of Nipomo, in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures are proposed to address Agricultural Resources, Air Quality, Geology and Soils, Noise, Public Services and Utilities, Recreation and Water. County File Number: SUB 2004-00211 / Tract 2643. APN: 092,141,018. Supervisorial District: 4. Date Accepted: February 15, 2005.
Stephanie Fuhs, staff	Gives the staff report. States applicant has agreed to noise conditions. Recommends approval.
Commissioners, staff and Public Works	Request additional information from staff regarding fence, drainage, land use, buffers, basin locations.
Terry Orton, Westland Engineering	States site is sloping and does not lend itself to habitat for fairy shrimp, and that he is experienced in same. Discusses grading of the lots and reasoning. Discusses wall height negotiations and outcome.
Commissioners	Request Mr. Orton clarify buffers, with Mr. Orton responding.
Brian Deal, lives near project	States his concern regarding access. Blume Street should not be a through street, due to danger to children in the area. Noise is an issue with the greenhouse, and workers can be heard hammering early in the mornings around 7 a.m.
Terry Orton, agent	Answers question regarding access asked by previous speaker.
Commissioners, staff and agent	Discuss agriculture buffers, road improvements, drainage basins, access, substantial conformity. Agent states they worked closely with the Agriculture Department. Further discussion of design issues takes place, including off-site road improvements and additional driveways. Buffering with trees, alternate access locations, relocation of drainage basins.
Motion	Motion by Commissioner Mehlschau, seconded by Chairman Roos, is discussed. Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Mehlschau, seconded by Chairman Roos fails on the following vote: Mehlschau – yes; Roos – yes; Christie – no; Gibson – no; Rappa – no.
Motion	Thereafter, motion by Commissioner Rappa, seconded by Commissioner Gibson, to continue to 9/29/05 is discussed. Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Rappa, seconded by Commissioner Gibson, to continue the above referenced item to 9/29/05, carries on the following vote: Roos – yes; Christie – yes; Gibson – yes; Rappa – yes; Mehlschau - no.
3. North Coast Area Plan, County File No. LRP2004-00024	This being the time set for continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO TO 1) update and amend the Cambria and San Simeon Acres community plan portions of the NORTH COAST AREA PLAN (Part II of the Land Use Element and Local Coastal Plan, and part of the Circulation Element). The area plan is being updated to reflect current land use, transportation, population, environmental, and economic conditions and community desires within the communities of Cambria and San Simeon Acres. The communities of Cambria and San Simeon Acres are located within the North Coast Planning Area of San Luis Obispo County. This planning area is bounded by the Monterey/San Luis

	Obispo County Line to the north, Point Estero to the south, and to the east the Coastal Zone boundary below the main ridge or the Santa Lucia Range. The update includes a number of changes to goals, policies, programs, land use categories, combining designations, and planning area standards; 2) amend the Cambria Design Plan by a) revising and moving development standards to the area plan; and b) modifying various guidelines including those related to lighting and the Moonstone Beach Drive streetscape; and 3) amend the Coastal Zone Land Use Ordinance , Title 23 of the San Luis Obispo County Code; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands. County File No. LRP2004-00024 . Supervisorial District 2.
Martha Neder, staff	Discusses Commission direction from last meeting and availability of copies for interested individuals.
Commission discussion	Commissioner Gibson proposes consideration of number of allocations, and postponement of discussion of buildout and proposed buildout to the end. Staff should consult CSD for further clarify and water master plan, and buildout reduction plan. Thereafter, language can be more certainly drafted. Commission requests advice of County Counsel, with Tim McNulty, County Counsel responding. Staff requests detailed direction.
Martha Neder, staff	Reiterates Commissioners' concerns and their expectations, and how staff will meet them.
Community-Wide Standards Discussion	Discussion of the section entitled "Community Wide Standards" begins.
Martha Neder, staff	Discusses content of the section on Community-Wide Standards. Displays maps overhead. Visual impacts from Hwy 1 are to be minimized. Discusses changes that will be addressed today. Map changes will be discussed following Chapter 7.
Greg Sanders, CCSD President of the Board of Directors	States understanding of the CCSD's position will aid the Commission's discussion.
Wayne Ryburn, Cambria, North Coast Alliance	Thanks Commission for support. Discusses Lodge Hill plans, and wishes additional information from staff. Gives specific locations of zoning and the Alliance position on the specific parcels. Requests closer review of those areas.
Joy Fitzhugh	Discusses page 7-20 of re-write draft. Discusses requirement for windows and doors for structures along the creek, stating that is unreasonable for the residents. Further discusses trash receptacles, and requests further review.
Jeff Edwards	Refers to draft of May 2005, page 7-18, "New Residential Land Divisions," stating the area standard relates to standard subdivisions but does not apply to PUD's or common interest subdivisions.
Robert Lewin, CDF/County Fire	States CDF is responsible for wildland and other fires in Cambria. Suggests a change to page 7-19.
Doug Buckmaster, Friends of the Ranchland	Reiterates the properties on the west side of Highway One should not be made commercial. The west side of Hwy One should not be commercial.
Jeff Edwards	Discusses his memorandum, and setbacks, giving reasons why changes should be made.

Discussion takes place	Among Commissioners and staff regarding Mr. Edwards' requests.
John Euphrat, staff	States copies of Chapter 7 packet are available for those who wish a copy.
Commissioners and staff	Discuss grandfathering of services outside the Urban Services line or Urban Reserve Lines
John Hofschroer, staff	States this section deals with North Cambria where property owners already had agreements with CSD. Discussion the intent. Defines the difference between the URL and USL.
Commissioners and staff	Discuss how services are provided between the USL and the URL, creation of new lots and retirement of others, objectives, resource constraints, desalination plants, landscaping, exterior lighting. Commissioners request maps to locate specifically where changes will be implemented. Present Commercial Design plan applies to all land use, not just commercial.
Craig Smith, North Coast Advisory Council	States along the creek at Hwy 1 there are commercial buildings, and they are unsightly from Hwy 1. With standards, this problem can be solved.
Commissioners and staff	Discuss 40% windows/doors requirement on page 7-20 8.B. and whether or not the standard applies to residential structures, and some others. Chairman discusses the afternoon agenda. Consensus to add "in Commercial Retail and any visitor serving projects" in 8.A.
Commissioners and staff	Meeting reconvenes following lunch break. Commissioners and staff discuss necessary changes, beginning with 9.E. which is to be deleted.
Commissioner Roos	Reads concerns submitted by Mr. Norman Fleming, whose viewpoint is that the open space East-West Ranch area permits no structures, but only trails.
Commissioners and staff	Continue discussion of Chapter 7 changes. Consensus to delete 9.E. pg. 7-21. Consensus to all "All utilities shall be underground" as the last sentence in 10.A.1. and 10.A.2. (pg. 7-24, Chapter 7). Consensus to add "any proposed" to B. p. 7-25.
Commissioner Rappa	Discusses "guidelines" as opposed to "requirements" with staff responding. Requirements for Minor Use Permit are discussed.
John Euphrat, staff	States a Minor Use Permit is not required for every project. Gives circumstances under which no MUP would be required.
Tim McNulty, County Counsel	Discusses whether a certain version of the Design Plan can be identified. Reference to the date that was adopted by the Board of Supervisors, or the date the Board approved the Coastal version, would clarify.
Commissioners, and staff	Consensus to state date of the Design Plan - May 9, 2002 - p. 7-27. Further discussion takes place regarding multi-family uses in a mixed use setting that will increase the number of dwelling units, and must be compensated by retirement of others.
Chairman Roos	Requests input from Craig Smith, North Coast Advisory Council, as to why they wish this change that will lead to additional development, with Mr. Smith responding.
Craig Smith, North Coast Advisory Council	States he will take this question back to the Council for further clarification.
Commissioners and staff	Continue discussion of changes, including mixed use projects and multi-family dwellings in Office and Professional or Recreation land use categories. (p. 7-29). Consensus to add "and in particular to encourage affordable housing" in B. page 7-29 and delete subnarrative B.3 same page. Consensus to change "designed" to

	"designated" in B.4. p. 7-29. Consensus to add ", appropriate for the nature of the project." p. 7-29. Fix typo pg. 7-30, delete "if" in 2. Change sentence in D. p. 7-31.
Commissioners and staff	Continue discussion of changes. p. 7-32. Page 7-37, K. 1 and 2 - combine (consensus).
Commissioners and staff	Discuss changes requested by Jeff Edwards (p. 7-40, C.4. P. 7-40 D. strike "vernacular". P. 7-42 3. Change last sentence to Landscaping and/or building articulation shall be used to . . ."
Commissioners and staff	P. 7-44 J. p. 7-46 change 3. to 2 and change 4 to 3.
Commissioners and staff	p. 7-47 language for 15. consensus.
Robert Lewin, CDF/County Fire	A fire wall has a rating, must extend above the roof line. A laydown parapet would mean no external wall above it.
	Discussion of changes ends with page 7-51.
MOTION	Thereafter, motion by Commissioner Gibson, seconded by Commissioner Christie, carries unanimously, to continue to 9/22/05.
4. Jaime Reynolds, County File No. D000224P	This being the time set for hearing to consider a request by JAIME REYNOLDS for a third time extension of Minor Use Permit / Coastal Development Permit No. D000224P, a request to allow a 1250 square foot addition to an existing single family dwelling resulting in a 2172 square foot residence. The project will include the purchase of 343 square feet of TDC's, located at 2187 Sherwood Drive, in the community of Cambria, in the Residential Single Family land use category, in the North Coast planning area. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. County File No: D000224P . APN: 022-041-043. Supervisorial District 2. Date Accepted: April 11, 2001.
Kerry Brown, staff	Gives the staff report. Project includes Transfer Development Credits. Displays maps and diagrams overhead. Recommends approval.
David Brown, architect	Agree with findings and requests approval.
Commissioners and staff	Discuss whether there are any design plan changes that must be considered.
MOTION	Thereafter, motion by Commissioner Gibson, seconded by Commissioner Rappa, carries unanimously, to approve request by JAIME REYNOLDS for a third time extension to be good until September 8, 2006, based on the Findings in Exhibit A, that carry over the original findings and conditions.
5. Newman, County File No. SUB2003-00314 / Tract 2652	This being the time set for hearing to consider a proposal by George Newman, Land Development, LLC for a Vesting Tentative Tract Map / Conditional Use Permit to subdivide five parcels totalling 19.1 acres into 24 lots ranging from 0.2 to 5.0 acres each for the purpose of development. The applicant proposes to construct a mixed use development including: a three-story, 112-unit, 97,600-square foot assisted living/memory support facility; a 16,000-square foot themed restaurant and conference facility; and, 130,000 square feet of retail, office, and professional buildings. The proposed project is located on the southeastern side of Juniper Street, approximately 90 feet west of the North Frontage Road, in the community of Nipomo, in the Commercial Retail land use category. The site is in the South County (Inland) planning area. Also to be considered at the hearing will

	<p>be approval of the Environmental Document prepared for the item in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, Public Services/Utilities, Recreation, Transportation/Circulation, and Water.</p> <p>County File Number: SUB2003-00314 / TRACT 2652. APN's: 092-572-015, -016, -017, -025, and -045. Supervisorial District: 4. Date Accepted: January 12, 2005.</p>
Brian Pedrotti, staff	Requests continue to October 13, 2005.
Motion	Thereafter, motion by Commissioner Christie, seconded by Commissioner Mehlschau, carries unanimously, to continue the above referenced item to October 13, 2005.
6. Shapiro, County File No. SUB2004-00169 / TRCT 2611	<p>This being the time set for hearing to consider a request by Ed Shapiro for a Vesting Tentative Tract Map (Tract 2611) / Conditional Use Permit to allow a mixed-use planned development consisting of 1) subdivision of an existing 5.2 acre parcel into 9 parcels ranging in size from 8,307 square feet to 1.32 acres each for the purpose of development, 2) development of approximately 12,000 square feet of office space, approximately 44,000 square feet of retail space, 4,500 square feet of restaurant space, and 51 multi-family residential units. The project will result in the disturbance of approximately 4+ acres of a 5.2 acre parcel. The proposed project is within the Commercial Retail land use category and is located 170 South Frontage Road at the southwest corner of Hill Street and South Frontage Road in the community of Nipomo. The site is in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Air Quality, Cultural Resources, Noise, Public Services/Utilities, Recreation, Transportation/ Circulation, Wastewater, and Water. County File Number: SUB2004-00169 / TRACT 2611. APN: 092-130-023. Supervisorial District: 4. Date Accepted: April 20, 2005.</p>
Brian Pedrotti, staff	<p>Gives the staff report. Displays aerial photographs and maps overhead. Recommends adoption of the negative declaration and approval of the Tentative Tract Map / Conditional Use Permit. Discusses change to Condition 6, Exhibit B, and new Condition 5 in Exhibit D.</p>
Darrell Ramey, Public Works, Transportation Division	<p>States Cal-Trans is concerned about how development will affect Hwy. 101 at Tefft, because there is potential for back-up into travel lanes of the freeway. Displays photographs. States left hand turn lanes have alleviated the problem to date. Discusses plans for the next five years for traffic flow in this area. Meetings with Cal-Trans have already taken place.</p>
Commissioners and Mr. Ramey	<p>Discuss left hand turn lanes, Cal-Trans letter regarding this project, timeline, road improvements that are planned, Canada Specific Plan, rights-of-way, on-ramp construction. Mr. Ramey agrees to provide a list of considerations such as these for use in making decisions on future projects.</p>
Chuck Stevenson, staff	<p>States the letter from Cal-Trans was written in December 2004 and significant communication has taken place since that time. The letter does not reflect the current situation.</p>
Darrell Ramey, Public Works	<p>States Developer funding for the construction of the roads as discussed will be reimbursed to the developer by road impact fees.</p>
Mike Goodwin, Public	<p>Developer will nav impact fees. and add curb, gutters and sidewalk. All other</p>

Works	requirements must also be met.
Commissioners and Mr. Ramey	Discuss traffic impacts and considerations. New development will be assessed for impacts. Mr. Ramey states the developer agrees to not generate any additional traffic trips until such time as the road improvements have been completed. No condition is included in the staff report for this.
Paul Reichert, EDA Design Professionals	States engineering was done by EDA along with King Ventures. States Von's, Long's and Sav-On shopping centers were built by Shapiro. States driveways do align. Traffic impacts, Phase I, the same traffic impacts will be maintained. States applicant is in concurrence with the staff report as revised by staff's recommendation. Requests approval.
Commissioners and Mr. Reichert	Discuss how the conditions can be enforced. Mr. Reichert states applicant is willing to agree to the original traffic impacts. Discusses the traffic at the site up till now. Phase I is the remodel of the existing building.
Public Testimony	No one coming forward.
Bob Richmond, architect	Answers question from Commission regarding building design, specifically Hill Street elevation.
Chuck Stevenson, staff	Suggests new Condition #28.
Darrell Ramey, Public Works	States they do not wish to generate more traffic at this point. Additional trips must wait until the additional improvements have been completed on the county road. Later on, the on-ramps will be done.
Discussion takes place	Among Commissioners and staff regarding traffic, whether frontage road that bypasses the Tefft Road intersection will alleviate traffic, whether other routes will be used by drivers in the area, whether improvements are to go in Phase I, that no conditions in this project relate to other than the road improvements. Mr. Ramey answers several questions.
Paul Reichart, EDA	States a delay of 18 months is not possible. States the project was redesigned for an alternate frontage road to mitigate traffic, which it does. Lists further mitigations that have been offered, stating money is being invested to realign Frontage Road. An important opportunity for improvement can be lost. States Phase I must begin in order for the project to be financial feasible. Discusses what will happen if this project is not allowed, displaying photograph overhead showing proposed road changes. Discusses the high pressure gas line that runs along the road. Delay will lead to further impacts. Discusses history of this project to date. States Phase I could begin in approximately 60 to 75 days, and submitted for first plan check in about three weeks. On-site improvements are ready to go to construction documents. Plans can be ready within 90 days. Discusses timing in detail.
Discussion takes place	Among Commissioners and Mr. Reichert regarding timelines.
Commissioners	Discuss details of the project and changes that may be necessary.
J. C. Martin, Real Estate broker	States financing will be difficult to get if occupancy is not possible. A lender will not lend on a building that cannot be occupied.
MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Rappa, carries, with Commissioners Gibson and Christie voting no, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and RESOLUTION NO. 2005-044 granting a Vesting Tentative Tract Map to ED SHAPIRO for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: In Condition 6,

	add to the end "in Phase II. Phase I development may proceed without construction of curb and gutter improvements and off-site public improvements." and RESOLUTION NO 2005-045 granting a Conditional Use Permit to ED SHAPIRO for the above referenced item, based on the Findings in Exhibit C and the Conditions in Exhibit D, with the following changes: Add new Condition 5 as follows: "5. Phase I development may proceed without construction of curb and gutter improvements and off-site public improvements."; with renumbering as appropriate; and add new Condition 28 to read: "Vehicle trip generation from Phase I of the project shall not exceed the existing vehicle trip generation of the previous use.", adopted.
7. SPEIZER, County File No. DRC2004-00090	This being the time set for continued hearing to consider a request by Terry Speizer for a Conditional Use Permit to allow an agricultural accessory building and constructed wetlands (winery processing wastewater facility). This Conditional Use Permit would amend the previously approved permit (D970262D) approved in 1999, which included construction of a winery building and associated uses. The project will result in the disturbance of approximately 4.5 acres of a 62.92-acre parcel. The proposed project is within the Agriculture land use category and is located at 7527 Orcutt Road, approximately 1,300 feet north of Tiffany Ranch Road and approximately 3.5 miles north of the City of Arroyo Grande, in the San Luis Bay (Inland) planning area. APN: 044-231-045. Also to be considered at the hearing will be approval of the Environmental Document for the item, prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000, et seq. Mitigation measures are proposed to address Aesthetics, Air Quality, Geology & Soils, Noise, Public Services/Utilities, and Wastewater. County File No: DRC2004-00090. Supervisorial District: 4. Date Accepted: March 18, 2005.
Brian Pedrotti, staff	Gives the staff report. Displays maps and photographs overhead. Discusses a prior approval and an error that happened. The project before the Commission today has been revised. Applicant no longer wishes to relocate waste water facility, and will leave it in its present location, using better technology. States the site includes a partially built winery, vineyards, row crops. Discusses the proposed constructed wetlands. Recommends adoption of the negative declaration and approval of the project.
Commissioner Christie	Requests clarification regarding constructed wetlands, with staff responding. Further, requests information about mosquito fish living in such water.
Tim Woodle, agent	States change in technology is requested. Explains. The processed wastewater is improved, and describes. Second, a time extension is requested, because the original approval was for the tasting room to be complete by 2008, and the request is to extend to 2010. With respect to the barn, an error was made. Reads various conditions that were applied to the original approval and explains the error. States agricultural accessory buildings are allowed in Agriculture zone.
Matt Wheeler, Wallace Group	Discusses wastewater disposal and constructed wetland and states mosquito fish cannot live there.
Terry Speizer, applicant	Discusses his previous appearances before the Commission, including the concerns of individuals in the area. States Tiffany Ranch and applicant have met and they will not oppose construction of the wetland. Submits a document regarding mosquito fish from University of California. States he is more than an organic farmer, and explains his operation. Discusses the use of the second barn. Requests approval.
Karen Merriam. Tiffanv	States she testified May 26, 2005. Displays photograph of both ag accessory

Ranch Road	buildings. Explains the images that appear on the photograph. States both accessory buildings have been used for years for nonpermitted uses. States the structure on the second parcel has plenty of room and is not visible from neighboring properties. Under these circumstances, the project is acceptable.
Andrea Brauning, M.D.	States she met with staff regarding constructed wetland. States, as long as all mitigations and recommendations are carried out, they are no longer opposed to the project. However, monitoring and self-evaluation by winery staff is inadequate. A mosquito problem could occur from the pond. Wish monitoring by Environmental Health, and explains why they wish that. States depth, circulation, presence of mosquito fish, and dipping to check for presence of larva should be checked.
Robert Robbins	States the Speizer property is visible from his home. States it is a very nice operation, and it would be nice if other wineries would adopt Mr. Speizer's methods. States the applicant is a good neighbor. The farming operation is impressive. States his belief that the barn is necessary, and requests approval.
Matt Thompson, Regional Water Quality Control Board	Responsible for permitting and oversight of wineries in San Luis Obispo County. States his strong support for constructed wetlands, and support for this project. These are effective, reliable, energy efficient, and easy to maintain. Alternative is a large septic system, which is prone to failure, or an aerated pond system, which is messy and noisy. Requests approval of the proposed constructed wetland treatment system. States mosquito fish can definitely live in this system, and gives examples from his personal experience, and explains. States it is his responsibility to monitor such wetlands, and will make sure this system operates as intended.
Tim Woodle, agent	Analysis includes a year in time and monitors water into the pond, water out of the pond, etc. Peak season is coming up, and is during crush. Explains the contents of the barn and that Code Enforcement had no problem with the items stored in that barn. States the truck in the photograph was delivering a spray rig, which happens very rarely. The property is in the Agriculture land use category and is an agricultural endeavor. Requests approval. Agrees to conditions, including new 145., but without construction of a ramp in c. Wishes the tasting room timeline be extended to 2010.
Brian Pedrotti, staff	Displays original conditions for D970262D Nov.2, 1999. Staff recommends new condition on page 7-6.
Discussion takes place	Among Commissioners and Mr. Speizer regarding why the location of the barn was chosen, that the 1999 development plan did not show an ag accessory building on the plan at all. Condition 24 is displayed from that plan.
Lynda Auchinachie, Agriculture Department	States Mr. Speizer summarized the purposes of the barn, and there was no question that, based on current practices, the location of the barn is fine. States the Agriculture Department is concerned with soil types. States restrictions for visual purposes are not recommended by the Ag Commissioner's office. Explains. In its existing position, the location makes sense.
Commissioner Rappa	Discusses agriculture in the county and living next door. States a mistake was made, and it was an honest one. Requests condition 1.d., which restricts the use of the accessory structure, be deleted.
Discussion takes place	Among staff, Commissioners and Agriculture Commissioner's representative regarding the definition of agriculture accessory structure and whether condition 1.d. should remain or be deleted.
MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Rappa, to adopt the Negative Declaration in accordance with the applicable

	provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and approve the Conditional Use Permit, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, as modified, with addition of 1.e. to extend the completion of the winery 5 years from the date of this approval and to add the memorandum from the Department of Planning dated September 8, 2005, new Condition 14.a – g., including striking construction of a ramp, is discussed. .
Commissioner Christie	Offers motion to amend above motion, as follows: Motion by Commissioner Christie, seconded by Commissioner Gibson, to amend the above motion by approval of the time extension on the tasting room and change in technology for waste water systems, as conditioned in this project today. Amendment fails on the following vote: Christie – yes; Gibson – yes; Rappa – no; Mehlschau – no; Roos – no.
MOTION	<p>Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Mehlschau, seconded by Commissioner Rappa, carries with Commissioner Christie voting no, to adopt the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and RESOLUTION NO. 2005-046, granting a Conditional Use Permit to TERRY SPEIZER for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: in Condition 1, add new subparagraph “e” as follows: “This approval includes a time extension to allow the 2,850 square foot accessory building (with tasting room and banquet room/kitchen) to be built within 5 years of the date of approval of this Conditional Use Permit.” and add new Condition 14 to read: “Liquid waste generated by the winery operations must be discharged to a constructed wetland as shown on Exhibit G designed by a civil engineer and approved by the Regional Water Quality Control Board. Such system shall not create offensive odors or materially impair the quality of groundwater for domestic or agricultural use. The system shall include the following:</p> <ul style="list-style-type: none"> a. A near impermeable lining for the proposed ponds. b. Maintenance of surface flows at all times, aeration capabilities, planting of mosquito fish to control mosquito populations, and regular control of vegetation. c. Provide access to the bottom of the Phase I pond to allow for launching of maintenance equipment, siltation removal, surveillance of mosquito populations, and treatment. d. A minimum two-foot water level to be maintained in the Phase I pond and a cross slope of at least one percent to confine water. e. An engineered drain pipe from the Phase II pond into the Phase I pond to allow for positive flow and self-cleaning. f. Floor level of the pond will be level or higher in elevation than the highest expected water table. g. A monitoring program approved by the County Environmental Health Department.”, adopted.
8. Oak Tree Mitigation	Oak Tree Mitigation Discussion.
John Nall, Principal Environmental Specialist	Introduces John McKenzie, of the Environmental Division. States San Luis Obispo County is one of the first to implement the Keuhl Bill.
John McKenzie, staff	Provides background. Senate Bill 1334 went into effect at the beginning of the year, and applies to discretionary permits. It is called the Oak Woodland Conservation

	Bill. Summarizes the Bill and changes from previous approach. Discusses determination of oak tree replacement costs, including land acquisition, planting material and labor, maintenance, etc. Staff recommends cost per tree removed by \$662 and for tree impacted be \$331. Discusses how the Bill will be integrated into the County tree program.
Andrew Christie, Sierra Club	Thanks staff for the presentation. States recommendations do not include a primary method for determining the valuation of an individual tree. Offers to provide a guide for use. Provides websites to check to come up with a cost per tree that is realistic.
Rick Mathews	Passes out a publication called "Living Among the Oaks," produced by University of California Cooperative Extension. Estimates one large, mature oak tree is worth about \$22,000. States \$662 would only buy a tree 3" to 4" in diameter, which would be unlikely to survive in an urban setting. Native oaks must be protected, because 14000 acres per year are being lost by fragmentation. Suggests Walnut Creek Oak Restoration project can be looked at as it is working well. States the fees and funds applied to the program as well as the conservation easements need to be really looked at closely. States the program could be modeled after the City of Atascadero's program, and gives reasons.
Commissioners	Discuss comments offered by speakers.
	Staff is to continue working on the mitigation fee. There is a suggestion that the intrinsic value of trees removed be considered, in addition to replacement costs.
Motion	Thereafter, motion by Commissioner Rappa, seconded by Commissioner Mehlschau, carries unanimously, to take into the record all items submitted today.
Adjourned	

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission